

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07CV13976-V-2
(3:04CR133-V)

CRAIG O'NEIL (O'NEAL) PYATT)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
Defendant.)
_____)

ORDER

THIS MATTER comes before the Court on the petitioner's Motion to Vacate, Set Aside, Or Correct Sentence under 28 U.S.C. §2255, filed March 28, 2007.

By the instant Motion to Vacate, the petitioner argues that he was subjected to several instances of ineffective assistance by virtue of his former trial counsel's conflict of interest, counsel's failure to investigate the petitioner's criminal history, counsel's failure to object to a misapplication of the Guidelines, and counsel's mis-characterization of the probable outcome of a jury trial. The petitioner also claims that the Court erred in "fail[ing] to give due weight to the factors in 18 U.S.C. §3553(a) and the Supreme Court's ruling in United States v. Booker."

Although it is far from clear that the petitioner can obtain any relief on any of his allegations, the undersigned believes that the government still should be required to file a detailed,

well-reasoned response to those matters. Therefore, the government will be directed to file a response to the petitioner's Motion as provided below.

NOW, THEREFORE, IT IS ORDERED:

1. That within forty (40) days of the date of this Order, the United States Attorney shall file an answer and/or other appropriate response to the claims and allegations set forth in the petitioner's Motion to Vacate.

2. That the Clerk shall send a copy of this Order to the petitioner and to the United States Attorney.

SO ORDERED.

Signed: June 8, 2007

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

